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FREESCALE SEMICONDUCTOR, INC.
LAW DEPARTMENT
7700 WEST PARMER LANE MD:TX32/PL02
AUSTIN, TX 78729

In re Application of REYNES et al :
U.S. Application No.: 10/518,158 :
PCT Application No.: PCT/EP03/06117 :
Int. Filing Date: 10 June 2003 :
Priority Date Claimed: 12 June 2002 : COMMUNICATION
Attorney Docket No.: SC0985ET :
For: POWER SEMICONDUCTOR DEVICE :
AND METHOD OF MANUFACTURING :
THE SAME :

This is in response to applicant's "Response to Notice to File Missing Parts of Application" filed 04 August 2005.

BACKGROUND

On 10 June 2003, applicant filed international application PCT/EP03/06117, which claimed priority of an earlier European Patent Office application filed 12 June 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 12 December 2004.

On 10 December 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 31 May 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration filed on 10 December 2004 contained a discrepancy with respect to the name of the third inventor.

On 04 August 2005, applicant filed the present response.

DISCUSSION

The name of the third inventor is listed as Adeline Feybesse in the declaration and is listed as Pascal Deloume in the international application. Although the present response states that notice of an inventorship change was previously sent to the International Bureau, the DO/EO/US has not received a Notification of the Recording of a Change (Form PCT/IB/306) which indicates that the requested changes have been reviewed and accepted for recording.

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see '3.73(b) of this chapter).

The present response does not fulfill the requirements of 37 CFR 1.497(d).

CONCLUSION

A proper response must be filed within ONE (1) MONTH from the mail date of this communication. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are NOT available under 37 CFR 1.136(a). A proper response should include either: (1) a copy of a Notification of the Recording of a Change (Form PCT/IB/306) issued by the International Bureau or (2) an appropriate petition under 37 CFR 1.497(d).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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